

ASSEMBLY BILL

No. 1699

Introduced by Assembly Member Frommer

February 22, 2005

An act to add Article 6.9 (commencing with Section 20209.20) to Chapter 1 of Part 3 of Division 2 of the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1699, as introduced, Frommer. Highway construction contracts: design-build projects.

Existing law sets forth requirements for the solicitation and evaluation of bids and the awarding of contracts by public entities for the erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement. Existing law also authorizes specified state agencies, cities, and counties to implement alternative procedures for the awarding of contracts on a design-build basis.

This bill would state the intent of the Legislature to authorize certain transportation authorities to use a design-build process for bidding on one highway construction project within the jurisdiction of the applicable transportation authority.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Article 6.9 (commencing with Section
- 2 20209.20) is added to Chapter 1 of Part 3 of Division 2 of the
- 3 Public Contract Code, to read:

Article 6.9. Transportation Authority Design-Build
Collaboration Contracts

20209.20. The Legislature finds and declares all of the following:

(a) It is the intent of the Legislature, in enacting this article, to demonstrate an alternative and optional procedure for bidding on one highway construction project each in the jurisdiction of any transportation authority established in the County of San Diego under Chapter 2 (commencing with Section 132000) of Division 12.7 of the Public Utilities Code, the Santa Clara Valley Transportation Authority established under Part 12 (commencing with Section 100000) of the Public Utilities Code, the Los Angeles County Metropolitan Transportation Authority established under Section 130050.2 of the Public Utilities Code, the Santa Cruz County Regional Transportation Commission established under Title 7.94 (commencing with Section 67940) of the Government Code, and the Transportation Agency of Monterey County established under Title 7.92 (commencing with Section 67920) of the Government Code.

(b) (1) These transportation authorities should be able to utilize cost-effective options for delivery of highway projects, in accordance with the national trend, that includes authorizing public entities to utilize design-build contracts as a project delivery method while collaborating with employees from the Department of Transportation.

(2) Utilizing a design-build contract requires a clear understanding of the roles and responsibilities of each participant in the design-build process. The benefits of a design-build contract project delivery system include an accelerated completion of the projects, cost containment, reduction of construction complexity, and reduced exposure to risk for the transportation authority.

(3) This collaborative approach toward the design-build project delivery method should be evaluated for the purposes of exploring the potential for reduced project costs, expedited project completion, or design features not achievable through the design-bid-build method.

(c) These projects are subject to the existing process under the state transportation improvement program (Chapter 2

1 (commencing with Section 14520) of Part 5.3 of Division 3 of
2 the Government Code) for planning, programming,
3 environmental clearance, and funding. It is the intent of the
4 Legislature that projects that are either identified in this article or
5 ultimately chosen for demonstration of the design-build
6 collaboration project delivery method under this article would
7 comply with all existing requirements under the state
8 transportation improvement program for project development
9 and funding. It is the intent of the Legislature that this article
10 would not confer any type of competitive advantage upon the
11 projects in this article, relative to other projects subject to the
12 state transportation improvement program, during other phases of
13 project development.

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